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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Siegel et al.	:	
Application No. 10/568,829	:	
In re Patent No. 7,923,500	:	DECISION ON PETITION
Filing Date: October 26, 2006	:	PURSUANT TO 37 C.F.R.
Issue Date: April 12, 2011	:	\$ 3.81(B)
Attorney Docket Number:	:	
0094.064A	:	
Title: NANOCOMPOSITES WITH	:	
CONTROLLED ELECTRICAL PROPERTIES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b)¹, filed December 15, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. On December 15, 2011, Petitioner submitted a "Certificate of Correction" for this purpose, which requests the addition of assignee "ABB AB, Vasteras, Sweeden."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

¹ See Official Gazette, June 22, 2004.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by a request for a certificate of correction, a copy of the assignment, and a copy of the notice of recordation that establishes that the assignment (which lists ABB AB of Vasteras, Sweden as an assignee) was submitted for recordation in the Office on May 24, 2011. Office records confirm that this assignment was submitted for recordation on May 24, 2011. Petitioner has further included both the \$130 petition fee and the \$100 fee associated with the filing of a request for a certificate of correction.

The provisions of this title have not been complied with, and as such, the request cannot be granted. It is clear that the assignment was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent. The patent issued on April 12, 2011, and the assignment was not submitted for recordation until more than one month had passed.

Hence, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail², hand-delivery³, or facsimile⁴. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁵.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.


2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300: please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁶


Paul Shanowski
Senior Attorney
Office of Petitions

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.